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EXAMINER

NGUYEN, NG A B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary

Application No.

09/633,962

Applicant(s)

OLLIPHANT, HUGO

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the communication filed on November 1, 2004, which paper has been placed of record in the file.
2. Claims 1-7 and 9-30 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-7 and 9-30 have been considered but are not persuasive.

In the arguments regarding to claim 1, applicant states that Fleming does not disclose a group for a shared expense, specifically a sharing of an expense. Examiner respectfully disagrees. Fleming discloses a method and system in which parent and children can share expense by using the available credit limit (group fund) of parent's credit card or debit card. Note that, the claimed invention recites "at least one shared expense of the group", thus "parent is a sharing an expense with the child" satisfies the limitation. Therefore, Fleming does teach a group for a shared expense. Moreover, see column 9, lines 49-53, parent requests to increase or decrease in a child's available credit, column 10, lines 43-47, the system updates the available credit amount, the child's available credit is increased by the requested amount and the parent's available limit is decreased by the same amount, in other words, the system allocates the available credit limit among parent and children as requested by parent. Therefore, Fleming does teach the allocation of a group expense among group members.

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Claims 2-3, 5-7, 9-12, 20-25 and 28-29 are depend on claim 1, therefore, are rejected for at least the same reason stated above.

Regarding to claim 20, see column 12, lines 25-55, parent makes a payment for both parent and children expenditures, child makes a payment for child expenditures, in other words, the system acquires an authorization of payment of a group expense from parent and children. Therefore, Fleming does teach acquiring an authorization of payment of a group expense from group members.

Regarding to claims 4,13-19, 26-27 and 30, the limitations recites in the claims are so old and well-known in the art, examiner strongly believes that examiner can find the single reference to support every limitations recited in the claims. Examiner is willing to provide the references for the purpose of Appeal.

In conclusion, for the reason set forth above, examiner decides to maintain the rejection stated in the previous office action (also see details below) and make this office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-7, 9-12, 20-25, 28, and 29 are rejected under 35

U.S.C. 102(e) as being anticipated by Fleming, U.S. Patent No. 5,953,710.

Regarding to claim 1, Fleming discloses a method of managing group finances for a group that includes a plurality of group members via an electronic network, the method comprising the steps of:

establishing a group fund corresponding to at least one shared expense of the group (column 10, lines 10-47; column 12, lines 55-65; parent's available credit of credit card account or debit card account is a group fund of a group contained parent and children as members; or column 16, lines 15-30; Family Available Limit);

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receiving transaction details from a member of group via an electronic network, said transaction details describing a group expense and identifying at least one of the plurality of group members responsible for said group expense (column 9, lines 54-65; column 10, lines 48-55; receiving the parent request to increase credit limit in a child's available limit via a telephone network or banking network or personal computer system; the system records the transaction details included the parent account number, the child account number, the amount of the increase and the date and time);

assigning transaction details to group (column 10, lines 48-55; creating a new parent request transaction record);

allocating said group expense specified by transaction details among group members of group (column 10, lines 43-47; updating the available credit amount, the child's available credit is increased by the requested amount and the parent's available limit is decreased by the same amount).

Regarding to claim 2, Fleming discloses repeating receiving, assigning, and allocating steps for a plurality of transactions (column 9, lines 49-53; increasing in a child's available credit, decreasing in a child's available credit, enabling and disabling a child's credit card, etc...).

Regarding to claim 3, Fleming discloses balancing finances of group (column 13, lines 52-60).

Regarding to claim 5, Fleming discloses receiving step comprises acquiring transaction details which include a shared expense containing an

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expense amount and at least one group member responsible for expense (column 13, lines 37-51).

Regarding to claim 6, Fleming discloses receiving step comprises acquiring transaction details which include remuneration details from a group member (column 12, lines 30-35).

Regarding to claim 7, Fleming discloses receiving step comprises acquiring allocation details dividing financial obligations of group among group members (column 12, lines 30-55; parent makes payment, child makes payment).

Regarding to claim 9, Fleming discloses establishing step comprises the steps of: acquiring group fund details; and storing group fund details in a group fund database (column 7, lines 4-37).

Regarding to claim 10, Fleming discloses allocating step includes the steps of: debiting group fund with an expense specified in transaction details; and allotting expense among group members in a manner specified in transaction details (column 10, lines 43-47; updating the available credit amount, the child's available credit is increased by the requested amount and the parent's available limit is decreased by the same amount).

Regarding to claim 11, Fleming discloses allocating step includes the steps of: crediting group fund with remuneration specified in transaction details; and allotting remuneration among group members in a manner specified in transaction details (column 12, lines 30-55).

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Regarding to claim 12, Fleming discloses settling group fund via electronic network (column 9, lines 54-65; column 10, lines 48-55; receiving the parent request to increase credit limit in a child's available limit via a telephone network or banking network or personal computer system; the system records the transaction details included the parent account number, the child account number, the amount of the increase and the date and time).

Regarding to claim 20, Fleming discloses receiving step includes acquiring an authorization of payment from group members (column 12, lines 25-55).

Regarding to claims 21-22, Fleming discloses wherein said group expense described in said transaction details corresponds to the purchase or a future purchase of one of goods or services (column 7, lines 38-65).

Regarding to claim 23, Fleming discloses wherein said transaction details describe a payment made by at least two members of the group on behalf of the group (column 12, lines 25-55; parent and child make payments).

Regarding to claim 24, Fleming discloses charging a group member interest for paying said group fund late (column 12, lines 35-42).

Regarding to claim 25, Fleming discloses determining that a group member has made an early payment and paying said group member interest on the amount of the payment until said payment is due (column 12, lines 25-42).

Regarding to claim 28, Fleming discloses wherein said transaction details describe an amount paid by at least two of the group members on behalf of the group (column 12, lines 25-55; parent and child make payments).

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Regarding to claim 29, Fleming discloses wherein said transaction details specify a plurality of, but not all of, the group members to assign said transaction to (column 10, lines 48-55; creating a new parent request transaction record).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 13-19, 26, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,338,047.

Regarding to claim 4, Fleming does not discloses balancing step includes the steps of: rounding up an original expense value to a new expense value having a predefined number of decimal places; and distributing a difference between new expense value and original expense value to a third party.

However, it is well known to round up a money amount and distributing a decimal amount to a third party such as a charity. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of not only easily calculating the balance but also contributing to a charity.

Regarding to claims 13-15, Fleming does not directly teach settling step comprises the step of accepting electronic deposits into group fund by collecting a credit card or an electronic check deposit electronic deposit into group fund.

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However, electronic funds transfer using credit card or electronic check is well known in the art. For example, an account holder can deposit money into his/her debit account using electronic funds transfer from a credit card account or electronic check from another account. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of time consuming because collecting funds using credit card or electronic check is faster than a paper check or money order sent by mail.

Regarding to claim 16, Fleming does not teach settling step comprises the step of transferring funds from group fund to a financial institution account of a group member. However, transferring funds from group fund to a financial institution account of a group member is well known in the art, for example automatically deposit, directly deposit funds into member bank account. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of time consuming.

Regarding to claim 17, Fleming does not disclose emailing group members to notify them of their outstanding balance in group fund. However, notifying the members using email is well known in the art. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of providing more convenient to the member to keep track of the account information.

Regarding to claims 18-19, Fleming does not teach receiving step includes the step of receiving transaction details from a form appearing in a web page; allocating step further includes the step of generating a web page interface with a

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form reporting allocated expenses. However, Fleming does teach receiving transaction details and allocating via personal computer systems (column 9, lines 60-64). Moreover, using personal computer system connected to the Internet via a web page interface to access and retrieve banking information is well known in the art. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of providing more convenient to the member to keep track of the account information.

Regarding to claim 26, Fleming does not teach determining that one group member is delinquent in paying his share of a group expense and removing said one group member from said group. However, Fleming does teach parent can request to disable the child's credit card (column 11, lines 27-50). Therefore, it would have been obvious in Fleming's that parent can request to disable the child's credit card when the child fails to make payment in the child's credit card account, thus it encourages the child to make payment in order to continue using the credit card for purchase, otherwise the credit card will be disable.

Regarding to claim 27, Fleming does not teach determining whether one, member of the group would like to ask other members of said group to settle up, and if so to contact said other members via the electronic network to settle up. However, communicating between members in the group via the electronic network such as using email is well known in the art. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of providing more convenient to the members to communicating each others regarding to settle up group funds.

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Regarding to claim 30, Fleming does not teach determining when any of the group members owes more than a predetermined amount of money, and subsequently reminding said any of the group members via e-mail to settle up. However, reminding the members using email is well known in the art. Therefore, it would have been obvious to modify Fleming's to include the feature above for the purpose of providing more convenient to the member to keep track of the account information.

Conclusion

9. Claims 1-7 and 9-30 are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

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Or faxed to:


(703) 305-7687 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen

A handwritten signature in cursive script, appearing to read 'Nga Nguyen', written in black ink.

January 6, 2005